IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 762 (M/S) of 2006

(Under Article 227 of the Constitution of India)

District Tehri Garhwal

1- Virendra Prasad

2- Rajendra Prasad

Both s/o Vishinu Dutt (Dev)

R/o village Jagod Gaon, Patti-Bharpur,

Tehsil Devprayag, District Tehri Garhwal …….Petitioners

Versus

1. District Judge, Tehri Garhwal.
2. Satya Prakash s/o late Sri Rameshwar

Prasad, R/o Village Jagod Gaon, Patti-Bharpur,

Tehsil Devprayag, District Tehrigarhwal…….Respondents.

Mr. N.S. Pundir, Counsel of the Petitioners

Standing Counsel for the respondent no.1.

Dated 20.6.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition the petitioners have prayed for a writ of certiorari, quashing the order dated 24.05.2006 passed by the respondent no.1 (Annexure No. 10 to the writ petition).

Briefly stated the plaintiff has filed a suit praying for permanent injunction restraining the respondent no.2 from making any constructions on the land in dispute.

Alongwith the suit the plaintiffs have also filed an application under order 39 rule 1 of code of civil procedure. The trial Court has rejected the application for injunction. The respondent no. 2 has preferred an appeal. The appellate Court after issuing the notice granted the status-quo.

In view of the aforesaid, petitioners are permitted to move an application for recalling of the order as well as for the disposal of the appeal itself. If such an application is filed the Presiding Officer shall dispose of the application within a period of one month after filing of the certified copy of the order.

Subject to above, writ petition is disposed. No order as to costs.

Dated 20.6.2006 **(Rajesh Tandon, J.)**